

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IMA DALE FOSTER AND  
CLARENCE A. FOSTER

Plaintiffs,

CIVIL ACTION NO. 4:04-CV-02552

vs.

WYETH, ET AL.

Defendants.

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

The above styled and numbered cause was scheduled for docket call on October 28, 2011 and trial in November 2011. Counsel has advised the Court that all claims are being resolved. It appearing to the Court that it is not necessary that this cause remain upon the Court's docket; IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that the above styled cause be, and is hereby, dismissed without prejudice as to all defendants, subject to the claims being resolved; and the Court retains jurisdiction to vacate this order and to reopen this action upon cause shown that the matter has not been resolved and further litigation is necessary.

SIGNED this 1 day of June, 2011.

  
UNITED STATES DISTRICT JUDGE